

### **REMARKS**

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1-4 and 6-14 are pending in the subject application, with amended Claim 1 being in independent format. A Petition for a three-month extension of time and the requisite fee accompany this Amendment and Reply after Final, thereby extending the period for response until May 5, 2008.

Claim 5 was previously canceled. Claim 1 has been amended to recite "A stackable and collapsible transport box, comprising: (a) a base plate; (b) two first side walls which are mutually opposite and collapsible in a lower first plane connected to the base plate via hinge joints; and (c) two second side walls which are mutually opposite and collapsible in a higher second plane connected to the base plate via hinge joints, wherein the base plate comprises a plurality of supporting pillars, wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state." Claims 2 and 3 have been amended to recite "L-shaped" angle elements. Claim 4 has been amended to recite: "The transport box according to claim 1, wherein each of the second side walls is provided with at least two inwardly bent edges, wherein each edge is provided with a bevel which slightly tapers upwardly, and wherein the second side walls are configured identically, whereby the side walls are placeable in any sequence on top of each other."

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

#### ***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1-3 and 9-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* (U.S. Patent No. 5,467,885) in view of *Walsh* (U.S. Pub. No. 2002/0070215). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* discloses a transport box with first sidewalls (14, Figure 1, column 3, lines 7-18) and second sidewalls (16) and the base has support pillars that

are elements (24 and 26) beneath the base plate and above the base plate formed by the lower wall segments (32) with angular elements at the corners as seen in Figure 8, with step-like arrangements where the corner elements are stepped in. The Examiner considers the phrase "such that the angle elements can receive the tube elements of a second transport box in the collapsed state" an intended use. The Examiner states that *Blinstrub* does not teach that the legs can be hollow tube elements and that *Walsh* discloses a similar transport box with first sidewalls (18 and 20) and second side walls and the base has support pillars formed by the lower wall segments with angular elements at the corners and hollow tube elements (96 and 98) for the legs to provide a box where the runner element under the legs can be removed or replaced. The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of legs that are hollow tube elements as disclosed by *Walsh* in the box disclosed by *Blinstrub* to make it possible to remove and replace the runner element if damaged.

Claims 2-3 and 9-14 depend from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1.

*Blinstrub* describes a collapsible material handling container including a base 12 having a plurality of sides 30, 32, a pair of opposed side walls 14 and a pair of opposed end walls 16 and hinges defining axes 68, 70 associated with each wall 14,16 and interconnecting each wall 14, 16 to the base 12. The walls 14, 16 are moveable between a collapsed position wherein the walls 14, 16 are folded on top of the other and an upright position wherein the walls 14, 16 extend vertically upward from the base 12. The base sides 30 for the opposed sidewalls 14 form a pair of ramping surfaces 72, defining oppositely opening acute angles with the hinge axes 68 for the sidewalls 14 for supporting at least one of the opposed end walls 16 along the ramping surfaces 72 when the end wall 16 is in its collapsed position.

Claim 1 has been amended to recite: "...supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state". The support for "L-shaped" angle elements is evident from Figure 1 as filed. In Figure 1, the angular element 11 comprises a short section 12 and a long section 13, and short section 12 and long section 13 collectively form an "L-shaped" angel element 11.

Unlike the applicant's transport box as claimed in amended Claim 1, *Blinstrub* does **not** teach or suggest a stackable and collapsible transport box comprising a base plate....wherein the base plate comprises a plurality of supporting pillars, and wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state.

In *Blinstrub*, the corner legs 24 are not arranged as tube elements beneath the base 12 and as L-shaped angle elements above the base 12. Stacking a second container on a collapsed container 10 described in *Blinstrub* is indeed possible. As described in col. 5, lines 45 to 49 of *Blinstrub*: "The base sides 32 for the opposed wall ends 16 have an upper marginal edge 76 disposed above each hinge axis 68, 70 which forms a platform surface 78 for supporting another container 10 when one container is stacked on another in the collapsed position." Thus, according to *Blinstrub*, the load of the stacked container is largely borne by the marginal edges 76 which are provided in the middle of the base sides 32. Further, as shown in Figure 7, *Blinstrub* does **not** teach or suggest inner steps provided in the marginal edges 76 adapted to receive tube elements of the supporting pillars of another container stacked on a container in the collapsed condition. Figure 7 of *Blinstrub* shows the lower rim (not numbered) of the base 12 protruded over edges 76 so that the stacked container will slide on the container in the collapsed condition.

*Walsh* discloses a collapsible container provided with side walls and end walls having a closed, multi-paneled element forming at least a portion of the wall. Elements 96 and 98 (Figure 10) as shown in *Walsh* are "corner and center bottom leg openings" (see paragraph [0045]), which are provided to receive the corner leg cap elements 92 of a forklift strap 88. Although the container of *Walsh* is not shown in the collapsed state, it is mentioned in paragraph [00351] that the "taller end walls 18, 20 have pivot axes extending across the bin in a horizontal direction and at an elevation which is slightly above the elevation of the floor of the container defined by a planar top surface of the base". Thus, the side walls 14, 16 are folded over the end walls 18, 10 in the collapsed state. As shown in Fig. 10, the flat corner parts of *Walsh* are flush with the upstanding sides with hinges 30 of the pallet-type base 12. Accordingly, the side walls 14, 16 are at least at the same elevation as the flat corner parts of *Walsh's* container. Unlike applicant's stackable transport box, if a second

container as disclosed in *Walsh* is stacked on a first container in the collapsed state, the protruding cap elements 92 will stand on the side walls 14, 16 respectively and thus the corner parts cannot support a second stacked container on top of a first container in the collapsed state. Thus, the flat corner parts as disclosed in *Walsh* are not the same as the "angle elements" as claimed. In addition, *Walsh* describes in paragraph [0060] that the side walls 14, 16 and the end walls 18, 20 are specially adapted by equipping with a multi-functional nesting surface along their top wall margins 180, 182, respectively, for stacking of different types of existing containers atop of container 10 in the upright position. Further, *Walsh* discloses in paragraph [0035] that the container is collapsed to provide a compact and more easily transported container for storage or return (empty) shipment. In addition, since the hinges of the side walls 14, 16, 18 and 20 are near the edges of the base side wall 24 (see Fig. 10), it is very likely that collapsed side walls 14 and 16 protrude over the edges of the base side wall 24 and thus any stacking on the collapsed container is not possible.

Thus, *Walsh* does not teach or suggest a stackable and collapsible transport box comprising a base plate....wherein the base plate comprises a plurality of supporting pillars, and wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state.

Neither *Blinstrub* nor *Walsh* teach or suggest supporting pillars as claimed in applicant's amended claim 1. Therefore, *Walsh* does **not** remedy any of the deficiencies noted in *Blinstrub*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub* and *Walsh*,

It is therefore urged that *Blinstrub* in view of *Walsh* would not render Claims 1-3 and 9-14 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claims 4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* in view of *Stoner* (U.S. Patent No. 2,070,070) and *Reiland* (U.S. Patent No. 4,775,068). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* discloses the invention including two inwardly bent edges (58, Figure 3) on the second sidewalls and it appears that the

edges may taper upward but *Blinstrub* and *Walsh* does not teach this and that *Stoner* discloses a collapsible transport box with sidewalls that have inwardly bent edges that taper upwardly to facilitate collapsing the walls (6, Figures 1 and 2). The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges that taper upwardly as disclosed by *Stoner* in the box disclosed by *Blinstrub* as modified by *Walsh* to facilitate collapsing the walls.

Claims 4 and 6 depend from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub* and *Walsh* are discussed above. Similar to *Blinstrub* and *Walsh*, *Stoner* and *Reiland* do **not** teach or suggest a stackable and collapsible transport box comprising a base plate....wherein the base plate comprises a plurality of supporting pillars, and wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state. Therefore, *Stoner* and *Reiland* do **not** remedy any of the deficiencies noted in *Blinstrub* and *Walsh*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, *Stoner* and *Reiland*.

It is therefore urged that *Blinstrub* as modified by *Walsh* in view of *Stoner* and *Reiland* would not render Claims 4 and 6 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* in view of *Reiland*. This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* discloses the invention except for longitudinal and transverse ribs in the corner regions of the sidewall and that *Reiland* discloses a similar transport box with longitudinal and transverse ribs in the corners of the sidewalls. The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of longitudinal and transverse ribs in the corners of the sidewalls as disclosed by *Reiland* in the box disclosed by *Blinstrub* as modified by *Walsh* to provide for reinforcement of the sidewalls at the corner areas.

Claim 7 depends from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The combination of *Blinstrub*, *Walsh*, and *Reiland* does **not** teach or suggests a stackable and collapsible transport box comprising a base plate....wherein the base plate comprises a plurality of supporting pillars, and wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a second transport box stacked on said transport box in the collapsed state. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, and *Reiland*.

It is therefore urged that *Blinstrub* as modified by *Walsh* in view of *Reiland* would not render Claim 7 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* and *Reiland* in view of *Hartwall* (U.S. Patent No. 6,955,273). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* and *Reiland* discloses the invention except for the transverse and longitudinal ribs welded to a flat cover and that *Hartwall* discloses a similar transport box with a sidewall having transverse and longitudinal ribs attached to a flat cover (34, Figure 4, column 5, lines 48-64). The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a flat cover as disclosed by *Hartwall* in the box disclosed by *Blinstrub* as modified by *Walsh* and *Reiland* to enclose the sidewall and provide the ability to insulate the sidewalls.

Claim 8 depends from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub*, *Walsh*, and *Reiland* are discussed above. Similar to *Blinstrub*, *Walsh*, and *Reiland*, *Hartwall* does **not** teach or suggest a stackable and collapsible transport box comprising a base plate....wherein the base plate comprises a plurality of supporting pillars, and wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as L-shaped angle elements above the base plate, and wherein the L-shaped angle elements are provided with an inner step adapted to receive tube elements of a

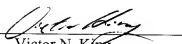
second transport box stacked on said transport box in the collapsed state. Therefore, *Hartwall* does **not** remedy any of the deficiencies noted in *Blinstrub*, *Walsh*, and *Reiland*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, *Reiland*, and *Hartwall*.

It is therefore urged that *Blinstrub* as modified by *Walsh* and *Reiland* in view of *Hartwall* would not render Claim 8 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

### ***Conclusion***

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

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